TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~583.~~ 118

RICHARD WINDSOR, PLAINTIFF IN ERROR,

vs.

WILLIAM N. McVEIGH.

IN ERROR TO THE CORPORATION COURT OF THE CITY OF ALEXANDRIA, STATE OF VIRGINIA.

FILED OCTOBER 12, 1874.

SUPREME COURT OF THE UNITED STATES

No. 583.

RICHARD WINDSOR, PLAINTIFF IN ERROR,

vs.

WILLIAM N. McVEIGH.

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1 VIRGINIA:

Title.

WILLIAM N. McVEIGH, PLTFF.,
v.
RICHARD WINDSOR, DEFT. } In ejectment.

Pleas at the court-house of the city of Alexandria, before the corporation court for said city, on the 23d day of April, 1874.

Be it remembered that heretofore, to wit, at rules held in the clerk's office of our said corporation court, on the first Monday in July, 1873, came William N. McVeigh, by his attorney, and filed his declaration against M. D. Ball, of a plea of trespass and ejectment, which declaration, and the note thereunder written, are in the words following:

2 *Declaration.*

In the corporation court of the city of Alexandria, William N. McVeigh, plaintiff, complains of M. D. Ball, deft., for this, to wit, that whereas on the 30th day of March, 1861, to wit, at the city aforesaid, the plaintiff possessed of a certain parcel or tract of land situate, lying, and being in the said city, described and bounded as follows: Beginning on the north side of King street, 24 feet east of Patrick street, running east with King street 25 feet; thence north, parallel to Patrick street, 125 feet; then west parallel to King street 25 feet, and then with a straight line to the beginning; of which said tract or parcel of land the said plaintiff was possessed, and have a right to in fee, and, being so possessed thereof, the said defendant afterwards, to wit, on the day and year last aforesaid, to wit, at the city aforesaid, entered into and upon said land, and unlawfully withholds the possession thereof from the said
3 plaintiff, to the damage of said plaintiff in the sum of $100, and therefore he brings suit.

C. W. WATTLES, *P. Q.*

Notice.

To M. D. BALL:

I hereby notify you that at the clerk's office of the corporation court for the city of Alexandria, Virginia, at the rules to be held for the said court on the first Monday in July, 1873, I shall file a declaration in ejectment against you, a true copy whereof is hereto annexed.

Given under my hand this 12th day of June, 1873.

WM. N. McVEIGH,
By C. W. WATTLES,
His Counsel.

Statement of mesne profits.

Statement of mesne profits filed with above declaration.

Amount of rent' at the yearly value of $600.00 for five years previously to the commencement of this suit, in all $3,000.00, being the amount which the said plaintiff mean' to demand for the use of the land in the above declaration mentioned.

4 WM. N. McVEIGH,
By C. W. W.,
His Counsel.

Claim for damages.

Statement of damages which the plaintiff mean' to demand for the following injury done to the property in the above declaration mentioned.

Return.

Return endorsed as follows:
Executed the within notice by delivering a copy of the same to M. D. Ball.
June 20, 1873.

W. D. STEWART, *D. S.*,
For JAS. M. STEWART, *Sergeant.*

Common order.

And it appearing that M. D. Ball, who was then tenant in possession of the premises in the declaration mentioned, hath been duly served with a copy of the said declaration, and the note thereunder written, and he not appearing, it was ordered that unless he or those under whom he claims, or some, or one of them do appear here at the then next rules and plead the general issue in the declaration supposed, that judgment by default shall be given for the plaintiff, and a writ of possession awarded him.

5 The following is a copy of rule to appear and plead, with the endorsements and return thereon made, to wit:

6 *Rule to plead.*

The Commonwealth of Virginia to the sergeant of the city of Alexandria, greeting:

We command you to summon M. D. Ball, if he be found within your bailiwick, to appear at the clerk's office of our corporation court for our said city of Alexandria, at the rules to be holden for said court, on the first Monday in September next, and plead to a declaration in ejectment, filed with the proof of the service of the notice thereof by William N. McVeigh.

Damages, $100.00.

And have then there this writ.

Witness Morton Marye, clerk of our said court, at the court-house of said city, the 20th day of August, 1873, and in the 98th year of the Commonwealth.

MORTON MARYE.

Return.

(Endorsed:) Executed the within summons by delivering a copy of the same to M. D. Ball, August 22d, 1873.

W. D. STEWART, *D. S.*,
For JAS. M. STEWART, *Sergeant.*

7 And at another day, to wit, at rules held in the clerk's office of said court, on the first Monday in August, 1873, this cause was continued for service of the rule to plead.

Common order confirmed & enquiry awarded.

And at another day, to wit, at rules held in the clerk's office of said court, on the first Monday in September, 1873, the said M. D. Ball, or those under whom he claims, still failing to appear and plead the general issue in the declaration supposed, on the motion of the plaintiff, by his attorney, the last order entered in this cause was confirmed, and an enquiry of damages awarded, to be tried at the then next term of said court.

R. Windsor, landlord, substituted defendant.

And at another day, to wit, at a corporation court held for said city, at the court-house for said city, on the 21st day of January, 1874, to which time this cause had been regularly continued, this day came the parties, by their attorneys, and on the motion of Richard Windsor, landlord, by his attorney, he is hereby substituted defendant in the place and stead of the said M. D. Ball, and this cause is continued for the defendant to the next term of this court.

8

Plea, &c., and judgment.

And now at this day, to wit, at a corporation court held for said city, at the court-house for said city, on the 23d day of April, 1874:

This day came the parties, by their attorneys, and the defendant pleaded not guilty, and of this he putteth himself upon the country, and the plaintiff likewise; and issue was joined, and the defendant filed a statement of his claim for improvements; and thereupon came a jury, to wit: Samuel Grigg, George H. Robinson, Samuel Beach, Edward Quinn, Thomas Hay, John Harlow, John Soper, Robert Williams, Wm. H. Muir, Thomas Sinclair, James H. DeVaughn, and George Wise, who were sworn to try the issue joined; and, having heard the evidence, the defendant thereupon prayed of the court one instruction to jury, which was refused; and the argument of counsel being heard, the jury, upon their oath, do say: "We, the jury, find the issue joined for the plaintiff; and we find that the defendant is guilty of unlawfully withholding the premises claimed by the plaintiff in the declaration mentioned; and we further find that the plaintiff is entitled in fee-simple to the premises mentioned in the declaration."

9

Whereupon, by consent of parties, the same jury were sworn diligently to enquire of damages in this cause; and, having heard the evidence, the plaintiff prayed of the court three instructions to the jury, the first and third of which were granted, and the second refused; and, the argument of counsel being heard, upon their oath, do say: "We, the jury, sworn to assess the damages for mesne profits and damages for five years and ten months (being up to time of verdict) previous to the institution of this suit for the occupation of the premises in the declaration mentioned by the defendant, assess the same at nine hundred and eighty-six $\frac{60}{100}$ dollars."

Therefore it is considered by the court that the plaintiff recover against the defendant his fee-simple in the premises in the declaration mentioned, together with the damages assessed as aforesaid, and his costs by him about his suit in this behalf expended.

10

Whereupon, on the motion of the plaintiff, a writ is awarded him, directed to the sergeant of this city, to cause him to have his possession of his fee-simple in the premises aforesaid.

On the motion of the defendant, execution upon this judgment is stayed for seventy-five days, to enable him to apply for a writ of supersedeas.

MEMORANDUM.—Be it remembered that, upon the trial of this cause, the defendants excepted to a certain ruling of the court, and tendered his bill of exceptions, which he prayed might be signed, sealed, enrolled, and made part of the record in this cause; which was accordingly done.

The following is a copy of defendant's claim for improvements, to wit:

11 *Claim for improvements.*

McVEIGH *vs.* WINDSOR. } Statement of claim for improvements.

Repairs & improvements for G. S. Miner, ag't for Richard Windsor's house, No. 223 King st., Alex'a.

1865.	5 8x10 windows in kitchen, complete		.....	$26 25
	4 doors and frames	"	"	34 50
	Back stairs	"	"	20 00
	5 prs. blinds	"	"	9 75
	2 floors & roof	"	"	78 55
	Wash-boards	"	"	10 25
	143 yds. plastering	"	"	42 90
	Painting	"	"	18 50
	Brick-work	"	"	176 17
	Spouting & guttering	"	"	8 25
	Alteration in dining-room,		"	37 50
	Cutting out two doors,		"	6 50
	New brick privy,		"	75 00
	Fitting up pantry			13 40
	Fitting up bath-room			18 90
	137 yds. paving in yard			123 30
	Higgins, for plumbing			36 00
	3 prs. new blinds, dining-room			15 00
	1 parlour-window in front, complete			17 50
	Clark, for papering			127 50
	New cellar-door, complete			7 50
	New cellar-steps			3 00
	Painting dining-room			12 00
	Fixing bells and locks			5 50
	Cogan's bill			50 40
	Padgett's bill for papering			43 50
	Repg. roof, shingles, nails, & cement			25 00
				$1,042 62

12 The following is a copy of defendant's exceptions, to wit:

Exceptions of defendant.

13 Corporation court, Alexandria, Va.

WM. N. McVEIGH
vs.
RICHARD WINDSOR. } In ejectment.

Be it remembered that, on the trial of the issue in this cause, the plaintiff, to maintain the issue on his part, proved that in the year 1857 he purchased the premises in the declaration mentioned of a person having title thereto in fee-simple, and entered upon the possession thereof, and became seized thereof in fee, and that he had never voluntarily parted with the title thereto. And he further proved that defendant was in possession of the said premises before and at the time of the institution of this suit; and there the plaintiff rested. Thereupon the defendant, to maintain the issue on his part, proved and offered in evidence the record of the sentence and decree of condemnation of the U. S. district court for the eastern district of Virginia, and the sale
14 and deed made by the marshal for the district of Virginia, which said record and deed are in the words and figures following:

15 *Libel of information, record of condemnation, sale, &c.*

To the judge of the district court of the United States for the eastern district of Virginia:

This is the libel of information of L. H. Chandler, United States attorney for the eastern district of Virginia, in behalf of the Government of the United States, against all that certain piece, parcel, or lot of land in the city and county of Alexandria, in the eastern district of Virginia, situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered (223) two hundred and twenty-three, now occupied by I. A. Nicholson as a hotel, together with all the improvements, buildings, rights, privileges, appurtenances, and other hereditaments to the same belonging, or in anywise appertaining, and against all persons lawfully intervening for their interest therein.

And thereupon the said L. H. Chandler, United States attorney, as aforesaid, doth allege and articulately propound as follows:

1. That certain States forming a part of the territory and
16 constituting a part of the Government of the United States, and specifically enumerated by the President of the United States in his proclamation duly issued and bearing date the first day of July, A. D. eighteen hundred and sixty-two, are engaged in armed rebellion against the lawful authority of the United States.

II. That by the act of the Congress of the United States approved the seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," provision was made for the seizure and confiscation of the property of persons engaged in armed rebellion against the lawful authority of the United States, as therein set forth.

III. That the President of the United States did, on the 25th day of July, in the year of our Lord eighteen hundred and sixty-two, issue his

proclamation, warning all persons within the contemplation of the sixth section of the said act of Congress of July 17, A. D. 1862, to
17 cease from participating in, aiding, countenancing, and abetting the existing rebellion against the Government of the United States, as provided for by said act.

IV. That William N. McVeigh, on the seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, was, and previously thereto had been, the owner of real estate in said city and county of Alexandria, described as follows: All that piece, parcel, or lot of land in the city and county of Alexandria, in the eastern district of Virginia, situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered (223) two hundred and twenty-three, & now occupied by J. A. Nicholson as a hotel, together with all the improvements, buildings, rights, privileges, appurtenances, and hereditaments to the same belonging or in any wise appertaining.

V. That the said William N. McVeigh, subsequently to said seventeenth day of July, in the year of our Lord one thousand eight
18 hundred and sixty-two, held and exercised and office and agency of honor, trust, and profit under the government of the so-called Confederate States, and under one of the said several States of said confederacy, and under the laws thereof, and that the said William N. McVeigh accepted the appointment, and was elected to said office and agency after the date of the pretended ordinance of said State, and did take an oath of allegiance to, and to support, the constitution of the so-called Confederate States.

VI. That the said William N. McVeigh, owning property in the said city and county of Alexandria as aforesaid, has, since the said seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, assisted and given aid and comfort to the rebellion, and to those engaged in the rebellion against the lawful authority, and against the Government of the United States, in this, that the said William N. McVeigh, did, on the eighteenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, and at various other times
19 between that date and the date of the filing of this libel of information, give aid and comfort to said rebellion by acting as a soldier, and as an officer, and as a non-commissioned officer, in the army and navy of the so-called Confederate States, and by contributing money and property to the aid and encouragement of those engaged in the rebellion against the lawful authority of the United States, and to the government of the so-called Confederate States.

VIII. That the said property herein described has been seized by the United States marshall for the eastern district of Virginia, in compliance with instructions issued by the Attorney-General to district attorneys of the United States, and by virtue of the fifth section of the act approved on the seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes."

IX. That by reason of the premises the property herein de-
20 scribed became and was forfeited to the United States, and ought to be condemned to their use.

Wherefore prayer is hereby made to your honor, that process of monition may issue against the owner and owners of the property herein described, and against all persons interested, or claiming an interest therein, warning them at some early day, to be therein named, to appear and

answer this libel of information; and the owner of said property being absent and non-resident, prayer is further made for order of publication in the usual form, and for such further and other relief as to law and justice may appertain, and as this court is competent to give in the premises.

L. H. CHANDLER,
U. S. Attorney.

AUGUST 25, 1863.

(Endorsed as follows:) U. S. district court for Eastern Virginia,
21 at . United States vs. Lot of Land in the city & county of Alexandria, & situate on the north side of King st., between Alfred & Patrick streets, & being the same upon which stands the brick house numbered 223, now occupied by J. A. Nicholson as a hotel. William N. McVeigh. Libel of information. Filed August 26th, 1863. Wm. H. Barry, clerk. Rec'd.

22 District court of the United States for the eastern district of Virginia.

THE UNITED STATES
vs.
LOT OF LAND IN THE CITY & COUNTY OF Alexandria, & situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered 223, now occupied by J. A. Nicholson, as a hotel. (William N. McVeigh.) } Confiscation.

On reading and filing the libel in this case, the court orders that process of monition issue, as prayed, and appoints the first day of October, 1863, and the court-room in the city of Alexandria, as the time and place of trial of this cause, and also orders that notice of said time and place of trial, and of the substance of the said libel, be given by publication thereof in the Alexandria News, a newspaper published in
23 the city of Alexandria, and also by posting up the same at the court house door, and that proclamation of the pendency of this suit be made by the marshal at the court-house door two times weekly until the day of trial.

JOHN C. UNDERWOOD,
District Judge.

(Endorsed as follows:) No. 20. United States vs. Lot of Land in the city & county of Alexandria, situate on the north side of King st., between Alfred and Patrick streets, & being the same lot on which stands the brick house numbered 223, now occupied by J. A. Nicholson as a hotel. (William N. McVeigh.) Order for process, &c. Returnable 1st Monday, Octo., 1863. Filed August 27, 1863. Wm. H. Barry, clerk.

24 OFFICE U. S. DISTRICT ATTORNEY
FOR THE EASTERN DISTRICT OF VIRGINIA,
Norfolk, Va., July 22d, 1863.

To the marshal of the United States for the eastern district of Virginia:

In compliance with general instructions issued by the Attorney-General

under the act of July 17, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," I have to direct that you seize the lot of land on the north side of King street, between Alfred and Patrick streets, in the city and county of Alexandria, on which stands the three-story brick house numbered 223, King street, now occupied by J. A. Nicholson as a hotel, as the same is known and described as the Pennsylvania Hotel, together with all the improvements, buildings, rights, privileges, appurtenances, and other hereditaments to the same belonging or in any wise appertaining, and all right, title, interest, and
25 estate of William N. McVeigh therein, as proceedings are to be instituted to secure the consideration of the same to the use of the United States under the above-entitled act. You will report the seizure to me when the same shall have been made.

L. H. CHANDLER,
U. S. District Attorney.

(Endorsed as follows:) No. 20. Wm. N. McVeigh. Order of seizure.

UNITED STATES MARSHAL'S OFFICE,
Alex., July 22d, 1863.

I certify that I have seized the within-described property, and given notice to J. A. Nicholson, the tenant in possession, as within directed.

JAMES T. CLOSE,
U. S. Marshall.

Filed August 27, 1863.

WM. H. BARRY, *Clerk.*

26 The President of the United States to the marshal*l* for the eastern district of Virginia, greeting:

You are hereby commanded to give public notice, at least fourteen days before the day of trial hereinafter mentioned, by advertisement in the Alexandria News, a newspaper published in the city of Alexandria, and by posting up a notification at the court-house door of the district court of the eastern district of Virginia, in said city, and by proclamation at said court-house door, twice a week till the day of trial aforesaid; that L. H. Chandler, attorney of the United States for said district, has caused all that certain piece, parcel, or lot of land, in the city and county of Alexandria in the eastern district of Virginia, situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house, numbered (223) two hundred and twenty-three, now occupied by J. A. Nicholson as a hotel, to be seized by you as forfeited to the United States; that he did, on the 26th day of August, 1863, file in the clerk's office of said district
27 court a libel of information on behalf of the United States against the said lot and against all persons lawfully intervening for their interest therein, and for the causes in said libel set forth, praying for condemnation of the same to the use of the United States; and the said court has appointed the first Monday in October, 1863, and the court-room in the said city, as the time and place for the trial of said cause, when and where all persons interested in said lot, or claiming an interest therein, may appear and make their allegations in that behalf.

Herein fail not, and make return of this warrant into said clerk's office, without delay, so endorsed as to show the time and manner of its execution by you.

Witness the honorable John C. Underwood, United States district judge for the eastern district of Virginia, this 27th day of August, A. D. 1863.

[SEAL.] WM. H. BARRY, *Clerk.*

(Endorsed:)

I hereby certify that I have caused the notice to be published, posted, & proclaimed as within commanded.

Alexandria, Octo. 5, 1863.

JAMES CLOSE,
U. S. Marshall Eastern District Va.

28 District court of the United States for the eastern district of Virginia to all whom it may concern, greeting:

Notice is hereby given that, on the 22d day of July, 1863, all that certain piece, parcel, or lot of land, in the city and county of Alexandria in the eastern district of Virginia, situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house, numbered (223) two hundred and twenty-three, now occupied by J. A. Nicholson as a hotel, was seized by the marshall of the United States for said district, as forfeited to the use of the United States, and the same is libelled and prosecuted in this court in the name of the United States, for condemnation for the causes in the said libel set forth; and that said cause will stand for trial at the court-room in the city of Alexandria, on the first Monday of October next, when and where all persons are warned to appear, to show cause why condemnation should not be decreed, and to intervene for their interests.

Dated September 10, 1863.

WM. H. BARRY, *Clerk.*

29 (Endorsed:) No. 20. United States vs. All right, title, &c. William N. McVeigh. Notice of seizure and libel, and time and place of trial. Filed September 10, 1863. Wm. H. Barry, clerk.

30 District court of the United States for the eastern district of Virginia.

David Turner, of the city and county of Alexandria, being duly sworn, deposes and says that he is one of the publishers and proprietors of the Alexandria News, a daily newspaper published in the city of Alexandria, and that a notice, of which the annexed is a true and correct copy, was published in said newspaper fourteen days prior to the first Monday of October, 1863, the first insertion being on the 12th day of September, 1863, and the last on the 30th day of September, 1863.

DAVID TURNER.

Fees for publication.

Subscribed and sworn to before me this 5th day of October, 1863.

WM. H. BARRY, *Clerk.*

31 District court of the United States for the eastern district of Virginia.

To all whom it may concern, greeting:

Notice is hereby given that, on the twenty second day of July, 1863, all that certain piece, parcel, or lot of land in the city and county of Alex-

andria, in the eastern district of Va., situated on the north side of King st., between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered 223, now occupied by J. A. Nicholson as a hotel, was seized by the marshall of the United States as forfeited to the use of the United States, and the same is libeled and prosecuted in this court in the name of the United States for condemnation for the causes in the said libel set forth, and that said causes will stand for trial at the court-room in the city of Alexandria, on the first Monday of October next, when and where all persons are warned to appear, to show cause why condemnation should not be decreed, and to in-
32 tervene for their interests.

Dated September 10th, 1863.

WM. H. BARRY, *Clerk.*

33 That the said William N. McVeigh, on the 18th day of July, in the year of our Lord one thousand eight hundred and sixty-two, was engaged in armed rebellion against the Government of the United States, and in aiding and abetting such rebellion, notwithstanding that the President of the United States, on the twenty-fifth day of July, eighteen hundred and sixty-two, did issue his proclamation as aforesaid, warning all persons within the contemplation of the sixth section of the said act of Congress of July the seventeenth, eighteen hundred and sixty-two, to cease participating in aiding, countenancing, and abetting such rebellion, the said William N. McVeigh did not within sixty days after the said proclamation was duly given and made cease to aid, countenance, and abet such rebellion, and did not return to his allegiance to the United States.

(Endorsed:) Filed October 9, 1863.

WM. H. BARRY, *Clerk.*

34 UNITED STATES
vs.
ALL THE RIGHT, TITLE, &C., WILLIAM N. MCVEIGH.

It appears from the answer that has been filed in this cause that the said respondent, William N. McNeigh, is, and at the time of the filing of same was, a resident of the city of Richmond, within the confederate lines, and a rebel.

L. H. CHANDLER.

Attorney for the United States moves that the said claim and answer, and the appearance of Messrs. Beach & Bradley, interposed in behalf of the said William N. McVeigh, be stricken from the files.

(Endorsed: Filed March 10, 1864. Wm. H. Barry, C.)

35 UNITED STATES
vs.
ALL THAT CERTAIN PIECE, PARCEL, OR LOT of land in the city and county of Alexandria, in the eastern district of Virginia, situated on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered (223) two hundred and twenty-three, now occupied by I. A. Nicholson as a hotel. William N. McVeigh. } 20. Confiscation.

And now came on to be heard the motion of L. H. Chandler, the attorney for the United States, libellants herein, to strike from the files the answer, claim, and appearance interposed by Messrs. Beach & Bradley, for and in behalf of respondent, William N. McVeigh; and, on motion of said L. H. Chandler, the application of libellants is granted, and it is ordered the answer and claim interposed in this suit by said Messrs. Beach and Bradley has been irregular and improperly admitted
36 on file in this cause, and that the same be stricken therefrom.

(Endorsed:) Filed and entered as of March 10, 1864.
WM. H. BARRY, *Clk.*

37 At a special term of the district court of the United States of America for the eastern district of Virginia, held at the court-room in the custom-house building, in the city of Alexandria, on Thursday, the tenth day of March, in the year of our Lord one thousand eight hundred sixty-four.
Present, the honorable John C. Underwood, district judge.

UNITED STATES
vs.
ALL THAT CERTAIN PIECE, PARCEL, OR LOT of land in the city and county of Alexandria, in the eastern district of Virginia, situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered (223) two hundred and twenty-three, now occupied by I. A. Nicholson as a hotel. (William N. McVeigh.) } No. 20.

The papers in this case having been heretofore returned, the usual proclamation having been made, the default of all persons being duly entered, and, notwithstanding said default, witnesses having been
38 called and examined by L. H. Chandler, attorney for the United States, and due deliberation being had on the pleadings and proofs, it is thereupon, on motion of the said L. H. Chandler, ordered, adjudged, sentenced, and decreed by the court that the real property mentioned and described in the libel in this cause be, and the same accordingly is, confiscated and condemned as forfeited to the United States.
And, upon like motion, it is further ordered, adjudged, and decreed that the clerk of this court issue a decree of venditioni exponax to the marshal of the district, returnable upon the 16th day of April next;

and that the said marshall, after having given at least twenty days' notice of the time, place, and terms of sale, by publication thereof in the Virginia State Journal, published in the city of Alexandria, and in the Republican, published in the city of Washington, D. C., sell the said property at public sale, for cash, to the highest bidder, and execute a deed for the real estate to the purchaser, and bring the proceeds
39 of sale into this court for its action thereon.

JOHN C. UNDERWOOD,
Dist. Judge.

(Endorsed:) Filed and entered March 10th, 1864.
WM. H. BARRY, *Clerk.*

40 UNITED STATES OF AMERICA,
Eastern District of Virginia, ss:

The United States of America to the marshall of the eastern district of Virginia, greeting:

Whereas a libel was filed in the district court of the United States for the eastern district of Virginia, at Alexandria, on the 26 day of August, in the year of our Lord one thousand eight hundred and sixty-three, by L. H. Chandler, United States district attorney for said district, against all that certain piece, parcel, or lot of land in the city and county of Alexandria, in the eastern district of Virginia, situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered (223) two hundred and twenty-three, now occupied by I. A. Nicholas as a hotel, praying that the same may be condemned and sold for the causes in the said libel alleged; and whereas the said real estate has been
41 attached by the process issued out of the said district court in pursuance of the said libel, and is now in custody by virtue thereof, and such proceedings have been thereupon had that, by the decree of the said court on this cause, made and pronounced on the 10th day of March, in the year of our Lord one thousand eight hundred and sixty-four, the said real estate was condemned and ordered to be sold by you, the said marshall, after giving twenty days' notice of such sale, according to law, by publication thereof in the Virginia State Journal, published in the city of Alexandria, and in the Republican, published in the city of Washington, D. C.: Therefore, you, the said marshall, are hereby commanded to cause all the right, title, interest, and estate of William N. McVeigh in and to said real estate so condemned and ordered to be sold, to be sold in the manner and form upon the notice, and at the time, place, and upon the terms by law required; and
42 that you have the money accruing from said sale in said court at Alexandria on the 16th day of April, eighteen hundred and sixty-four; and that you then pay the same to the clerk of the court; and have you also then and there this writ.

Witness the Hon. John C. Underwood, judge of the said court, at the city of Alexandria, in the eastern district of Virginia, this 16th day of March, in the year of our Lord one thousand eight hundred and sixty-four, and of our Independence the eighty-eight'.

[SEAL.] WM. H. BARRY, *Clerk.*

Endorsed as follows:

Sold April 11, '64, for	$1,600 00
Rent collected	9 00
	1,609 00

Auctioneer's fees	2 50	
Expenses	2 75	
Fees & commissions	46 90	
		52 15
		$1,556 85

Paid gross amount to clerk, and received fees and expenses as per statement above.

JOHN UNDERWOOD, *U. S. M.*,
P'r W. A. DUNCAN, *Deputy.*

43 No. 20. District court of the United States, eastern district of Virginia. The United States vs. All the right & title Wm. N. McVeigh. Vend. exp. March 10, A. D. 1864. Return-day, April 16, '64. Rec'd.

44 United States district court, eastern district of Virginia.

CLERK'S OFFICE.

IN THE MATTER OF THE UNITED STATES *vs.* ALL THE RIGHT, TITLE, &C., OF W. N. MCVEIGH. } In No. 20.

EASTERN DISTRICT OF VIRGINIA, *ss:*

I hereby certify that the accompanying is a true and correct copy of the original papers in the above-entitled cause, now on file in this office.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, at the city of Richmond, in said district, this 1st day April, A. D. 1874.

JNO. R. POPHAM,
Clerk U. S. D. C., Eastern Dist. Va.

United States district court, eastern district of Virginia.

EASTERN DISTRICT OF VIRGINIA, *ss:*

I, Robert W. Hughes, judge of the district court of the United States for the eastern district of Virginia, do certify that John R. Pop-
45 ham, who hath given the foregoing certificate, is clerk of said court, and that his said attestation is in due form.

In witness whereof I have hereunto set my hand this 1st day of April, A. D. 1874.

[SEAL.] RO. W. HUGHES,
District Judge.

46 *Deed from J. Underwood, U. S. marshall, to M. Murphy.*

This deed, made this eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-four, between John Underwood, as United States marshall for the eastern district of Virginia, of the first part, and Morris Murphy, of the city and county of Alexandria, State of Virginia, of the second part, witnesseth: That whereas, on the twenty-second day of July, 1863, the attorney of the United States for said district, under the act of Congress of July 17th, 1862, entitled "An

act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," issued an order to the marshall of the United States directing the seizure of the hereinafter-described property; and whereas the marshall of the United States for said district, on the twenty-second day of July, 1863, did seize the said property and make return thereof to the attorney of the United States for the district aforesaid; and whereas the
47 attorney of the United States thereafterwards, on the twenty-sixth day of August, 1863, filed a libel of information against said property in the district court of the United States for said district; and whereas, after due notice and publication of such proceedings according to law, the said court, on the tenth day of March, 1864, did, by its decree, confiscate and condemn the said property as forfeited to the United States, and ordered the sale thereof; and whereas a writ of venditioni exponas was issued by said court to the marshall of the United States for the district aforesaid, commanding the sale of said property; and whereas, after due publication according to law, and the decree of said court, of the time, terms, and place of sale, the said property, on the eleventh day of April, 1864, was sold to the said Morris Murphy, the party of the second part, he being the highest bidder therefor, for the sum of one thousand and six hundred dollars:
48 Now, therefore, the said John Underwood, as marshall, as aforesaid, the party of the first part, in consideration of the premises and of the full payment of the said purchase-money, the receipt whereof is hereby acknowledged, doth hereby grant, bargain, sell, and convey unto the said Morris Murphy, the party of the second part, his heirs, executors, administrators, and assigns, the following-described property, to wit: All that certain piece, parcel, or lot of land in the city and county of Alexandria, in the eastern district of Virginia, situate on the north side of King street, between Alfred and Patrick streets, and being the same lot on which stands the brick house numbered (223) two hundred and twenty-three, now occupied by Morris Murphy, together with all the appurtenances and hereditaments to the same belonging or in any wise appertaining, meaning and intending hereby to convey all such right, title, interest, and estate of Wm. N. McVeigh in and
49 to said property as could be liable to confiscation, and was confiscated under the said decree of the said district court, whether the same is in fee or a life-estate.

In testimony whereof the said party of the first part, as marshall, as aforesaid, has hereunto set his hand and affixed his seal, on the day and year first hereinbefore written.

JOHN UNDERWOOD, [SEAL.]
U. S. Marshal for Eastern District of Virginia.

Signed, sealed, and delivered in presence of—
WALTER L. PENN, *J. P.*

STATE OF VIRGINIA,
County of Alexandria:

I, Walter L. Penn, a justice of the peace for the county aforesaid, in the State of Virginia, do certify that John Underwood, whose name is signed to the writing above, bearing date on the 11th day of April, 1864, has acknowledged the same before me, in my county aforesaid.
50 Given under my hand this 22d day of April, 1864.

WALTER L. PENN, *J. P.*

STATE OF VIRGINIA,
Alexandria County Court:

CLERK'S OFFICE, *April 22d*, 1864.

This deed was received in the office, and, having been acknowledged before a justice, admitted to record.
Teste: JEFFERSON TACEY, *Clerk.*

Recorded, liber V, No. 3, folio 463, and exam'd and delivered to Morris Murphy, May 3d, 1854.
Teste: J. TACEY, *Clerk.*

The premises described in said record are the same premises demanded in the declaration.

The defendant, further to maintain the issue on his part, proved and read to the jury a deed from Morris Murphy to himself, in the words & figures following:

51 *Deed from Murphy to Windsor.*

This deed, made the thirty-first day of July, in the year eighteen hundred and sixty-five, between Morris Murphy and Mary Murphy, his wife, of the city & county of Alexandria, State of Virginia, of the first part, and Richard Windsor, of the county of Fairfax, of the second part, witnesseth: That, in consideration of the sum of one thousand eight hundred dollars, the said Morris Murphy & Mary, his wife, do, by these presents, grant unto the said Richard Windsor, with special warranty, a piece of ground, in the city of Alexandria, bounded as follows, to wit: Beginning on the north side of King st., twenty-four feet east of Patrick street; thence in an easterly direction with King street twenty-five feet, (25;) thence northerly and parallel to Patrick street one hundred and twenty-five feet, (125;) thence westwardly and parallel to King street twenty-five feet, (25;) thence southwardly one hundred and twenty-five feet (125) to the beginning, being the same lot of ground on
which stand' the brick-house No. two hundred and twenty-three,
52 (223,) and being the same lot & premises conveyed to the said Morris Murphy by John Underwood, United States marshall for eastern district of Virginia, under and by virtue of a decree of the United States court for eastern district of Virginia, by deed dated the eleventh day of April, A. D. 1864, and recorded, among the land-records of Alexandria County, Va., leber V, No. 3, folio 463, to which deed, for a mor' particular description of said property and title, reference is hereby made. And the said Morris Murphy and Mary, his wife, hereby covenant that they will execute such further assurances thereof as may be requisite to secure to Richard Windsor, his heirs and assigns, such claims for warranty of title of said property from the United States as the said Morris Murphy now proposes.

Witness the following signatures & seals.

MORRIS MURPHY. [SEAL.]
MARY MURPHY. [SEAL.]

Stamped, signed, sealed and delivered in presence of—

[Stamp, $2.00]

53 COUNTY OF ALEXANDRIA, *to wit:*

I, Frederick Daw, a justice of the pe ce for the county aforesaid, in the State of Virginia, do certify that Morris Murphy, whose name

is signed to the writing hereto annexed, bearing date on the thirty-first day of July, 1865, has acknowledged the same before me, in my county aforesaid. Given under my hand this 21st day of July, 1865.

FREDERICK DAW, *J. P.*

STATE OF VIRGINIA,
County of Alexandria, to wit:

I, Frederick Daw, a justice of the peace for the county aforesaid, in the State of Virginia, do certify that Mary Murphy, the wife of Morris Murphy, whose names *are* signed to the writing hereto annexed, bearing date on the thirty-first day of July, 1865, personally appeared before me, in the county aforesaid, and being examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said Murphy, acknowledged the said writing to be
54 her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under our hands this 31st day of July, 1868.

FREDERICK DAW, *J. P.*

STATE OF VIRGINIA,
Alexandria County Court:

CLERK'S OFFICE, *September* 16, 1865.

This deed was received in the office, and, having been properly acknowledged and stamped, admitted to record.

Teste: JEFF'N TACEY, *Clerk.*

(Endorsed:) Recorded in leber W, No. 3, folio 363, and examined. Teste: J. Tacey, cl'k.

Here the defendant rested.

And thereupon the defendant moved the court to instruct the jury as follows:

Instructions asked by defendant.

That the said sentence and decree of condemnation and sale, and the said sale and conveyance of the marshal*l*, thereunder divested the
55 plaintiff of his right, title, and interest in and to the premises in the declaration mentioned for and during the natural life of the said plaintiff, and that, as to said estate for and during the natural life of the plaintiff in said premises, the jury must find for the defendant.

The court refused to grant said instructions, but instructed the jury that the sentence of condemnation was void, and that the plaintiff was not divested of any part of his title in the premises by reason of said sentence, and the said rule & deed of the marshal*l* became the answer, claim, and appearance of the said Wm. N. McVeigh; was struck from the files by the court before said decree & sentence was entered, and the said McVeigh was thus denied a hearing, and his property condemned, without any opportunity of defence on his part.

To the ruling of the court refusing the instruction prayed, as well as to its ruling in granting the instruction given, the defendant,
56 by his counsel, excepted, and prayed that this his bill of exceptions might be signed, sealed, and enrolled, and made a part of the record; which is done accordingly.

ENOCH M. LOWE. [SEAL.]
Judge of the Corporation Court of the City of Alexandria.

The following is a copy of a deed filed among the papers in the cause, to wit:

57 *Deed from W. H. Fowle, trustee, to W. N. McVeigh.*

This deed, made the 11th day of November, 1857, between William H. Fowle, trustee, of the first part, and William N. McVeigh, of the second part, both of the city of Alexandria, in the State of Virginia, witnesseth as follows:

Whereas by deed of the 31st day of January, 1857, one James A. English, also of said city, did convey to the aforesaid party of the first part the tenement and lot of ground in said city hereinafter described, in trust to secure the payment of a debt of two thousand & forty-nine $\frac{87}{100}$ dollars, due from said English to the house of Fowle & Co., all of which, upon reference to said deed, will fully and at large appear;

And whereas default was made in the payment of said debt, whereby a sale under the said deed became necessary, and was required by the party secured thereby, and the said party of the first part, in obedience to said requirement, did expose the said tenement and lot of ground for sale at public auction, for cash, on the day of the date
58 hereof, having previously given due notice of the time & place of sale by advertisement in the Alexandria Gazette, a newspaper published in said city, at which said sale the said William N. McVeigh became the purchaser, for the sum of five hundred dollars: Now, therefore, the said party of the first part, in consideration of the premises and of the said sum of five hundred dollars, doth grant unto the said party of the second part, with special warranty, a tenement and lot of ground in said city, situated and bounded as follows, to wit:

Beginning on the north side of King street twenty-four feet east of Patrick street, & running east with King street twenty-five feet; thence northly parallel to Patrick street one hundred & twenty-five feet; then west parallel to King street twenty-five feet; then with a straight line to the beginning, being the same tenement & lot of ground which was conveyed to said English by John W. Fairfax
59 by deed of Oct. 1st, 1851, recorded in book N, No. 3, pa. 14, Alexandria land-records, and the same which was conveyed by the deed of trust aforesaid, recorded in book L, No. 3, pa. 71 of said records.

Witness the following signature & seal.

WM. H. FOWLE. [SEAL.]
Trustee.

ALEXANDRIA COUNTY, VIRGINIA:

I, S. Ferguson Beach, a notary public for the county aforesaid, in the State of Virginia, do certify that William H. Fowle, whose name is signed to the writing above, bearing date on the 11th day of November, 1857, has acknowledged the same before me, in my county aforesaid.

Given under my hand this 3d day of December, 1857.

S. FERGUSON BEACH,
Not. Pub.

CLERK'S OFFICE OF ALEXANDRIA COUNTY COURT,
January 30, 1858.

This deed was received in the office, and, having been acknowledged before a notary public, admitted to record.

Teste:

B. H. BERRY, *Clerk.*

60 Recorded, leber S, No. 3, page 468, and examined.
Teste:

B. H. BERRY, *Clerk.*

Petition to the supreme court of appeals of Va.

To the hon. the supreme court of appeals of Virginia:

The petition of Richard Windsor, of Alexandria, Va., respectfully represents that he is aggrieved by a judgment of the corporation court of Alexandria, rendered at its April term, 1874, in an action of ejectment, wherein Wm. N. McVeigh was plaintiff and your petitioner was defendant.

A transcript of the record of said judgment is herewith exhibited.

The action was to recover a house and lot in the city of Alexandria, and damages for mesne profits. The plaintiff having proved title, the defendant, to maintain the issue on his part, proved and offered in evidence a sentence of condemnation of the district court of the
61 United State' for the eastern district of Virginia, rendered on the day of , 1864, by which the life-estate of the plaintiff in the property sued for was condemned as forfeited to the United States, and was ordered to be sold by the U. S. marshall for said district; he proved and offered in evidence, also, the sale and conveyance of said marshall pursuant to said sentence and order; and thereupon moved the court to instruct the jury that the effect of said sentence, sale, and conveyance was to divest the plaintiff of his life-estate in the property, and that as to such life-estate the jury must find the issue joined for the defendant.

The court, however, refused the prayer, and instructed the jury that such sentence, sale, and conveyance were nullities; whereupon the jury found the issue for the plaintiff, and assessed the damages for mesne profits at $986.60, and judgment was rendered accordingly.

62 Your petitioner is advised that the court erred in holding the sentence of the U. S. court and proceedings under it to be nullities. That the sentence of condemnation was erroneous and voidable upon proper proceedings instituted for its reversal, is admitted, but it is claimed that the U. S. district court had jurisdiction of the cause in which the sentence was pronounced, and that it orders thereupon, however erroneous, are unassailable in any collateral proceedings.

The cause being a cause in rem, the jurisdiction of the court became complete by the seizure of the property.

The final purpose for which its jurisdiction was invoked was to decide whether the property seized was or was not liable to be condemned as forfeited. Having acquired, by the seizure, full jurisdiction to decide that question, it had, by consequence, jurisdiction to decide all
63 questions incidentally arising in the progress of the cause, and the validity of its final decree could not be questioned collaterally because of erroneous ruling on any of the questions so incidentally arising.

In cases in rem, it is a question frequently arising whether a person asking has a right to be admitted as a claimant in the case; but the validity of the final decree (as against collateral impeachment) has never been held to depend upon the ruling which the court might make on such a question. (See The Mary Anne, Ware's Reports, 104.)

The jurisdiction acquired by the seizure of the res does not become divested by the erronous exclusion of a party asking to be admitted as

a claimant. The jurisdiction is not at all dependant upon the intervention or non-intervention of a claimant. The intervention of a claimant does not strengthen, the non-intervention does not impair, the
64 jurisdiction. Having once attached by the seizure, it continues unaffected by either alternative, so that a title acquired under its sentence rests upon the basis of a judgment of a court of competent jurisdiction.

The admission or exclusion of a person as a claimant is not a jurisdictional fact; does not involve any jurisdictional question. (Tyler vs. Defries, 11 Wallace, 331.)

The corporation court held the sentence void, because of the refusal of the district court to admit McVeigh as a claimant; but if the foregoing views be sound, the sentence was not void but voidable only, and valid until reversed on error.

Nor did the refusal to admit the claim of McVeigh bring the case within the operation of the principle that a judgement or decree against a man unheard is void. This principle finds application only in
65 those cases where judgment has been rendered either without any issue of process, or without any service of process upon, or without any process by, the defendant. No case can be found where the principle has been applied, unless it was a case involving one or the other of these conditions. But in proceedings in rem, where the res has been seized, neither of these conditions can exist, because the seizure of the property is service of process upon everybody. Moreover, in the particular proceedings involved in this case, there was, besides the seizure of the res, process of monition duly executed by publication, and an appearance actually put in by the claimant in response to the monition.

Here, then, is the very opposite of those cases where the judgments are held nullities because rendered against a party unheard, where
66 there was no notice or knowledge of the pendency of proceedings until after judgment rendered and all opportunity of defence had passed.

It cannot be said of a person, who is before the court in response to its process, that he is condemned unheard, within the meaning of the principle referred to. His plea may be erroneously rejected; his motion erroneously denied; his claim and answer erroneously stricken out; yet it cannot be said he is denied his opportunity of defence. His defence and his opportunity of making it are still preserved to him, and preserved unimpaired; the only charge being that, for the further maintenance of his defence, he must resort to the court above; he is put to his proceeding in error, where his defence, if it be a good one, will be made to avail him as efficiently as if it had been allowed in the
67 tribunal below. If the foregoing views be correct, then the sentence and the proceedings under it, on which the petitioner relied in defending the cause, were valid against all collateral impeachment, and the instructions asked by him should have been granted.

Your petitioner prays for a writ of error and supersedeas to the judgment.

RICHARD WINDSOR,
By S. FERGUSON BEACH,
His Attorney.

ALEXANDRIA, VA., *June* 24, 1874.

I certify that, in my opinion, there is error in the judgment complained of in the foregoing petition, for which it should be renewed and reversed.

S. FERGUSON BEACH,
An Attorney prachising in Sup. Ct. App'ls, Va.

JUNE 24, 1874.

Order of court refusing prayer of petition.

The writ of error & supersedeas prayed for in the foregoing petition are hereby refused for reasons set forth in the decision of this court in the case of Underwood vs. McVeigh, (23d Grattan, pp. 409, 418,
68 420,) and, at the request of the counsel of the petitioner, we certify this order to the clerk of the corporation court of Alexandria, in order that the same may be there recorded.

Given under our hands, as judges of the supreme court of appeals of the State of Virginia, this 30th day of June, 1874.

R. C. L. MONCURE.
JAS. CHRISTIAN.
FRANC'S T. ANDERSON.
WALTER R. STRAPLES.
WOOD BOULDIN.

Alexandria corporation court.

CLERK'S OFFICE, *July* 2, 1874.

The foregoing petition and order was received and entered.
Teste: M. MARYE, *Clerk.*

Attestation.

VIRGINIA,
City of Alexandria, to wit:

I, Morton Marye, clerk of the corporation court of the city of Alexandria, Virginia, do certify that the foregoing contains a true and
69 perfect transcript of the record and proceedings in a cause determined in said court, wherein Wm. N. McVeigh was plaintiff and Richard Windsor was defendant.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at said city of Alexandria, this 7th day of October, 1874.

[SEAL.] MORTON MARYE, *Clerk.*

70 To the Hon. Saml. F. Miller, associate justice of the Supreme Court of the United States:

The petition of Richard Windsor, of the city of Alexandria, Virginia sheweth as follows:

On the 23d of April, 1874, at a session of the corporation court of Alexandria, Virginia, in an action of ejectment therein pending, wherein William N. McVeigh was plaintiff and your petitioner was defendant, judgment was rendered against your petitioner for a house and lot in said city, (which was the subject-matter of controversy in said suit,) and for damage for mesne profits, your petitioner, in defence to said action, relied upon a deed from the marshal of the United States for the eastern district of Virginia, made pursuant to a decree of the district court of the United States for said district, entered in a suit in confis-

cation under the act of Congress, approved July 17, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," by which decree the life-estate of the said McVeigh in said property
71 was condemned as forfeited to the United States, & was ordered to be sold and conveyed by said marshal. The decision of said court was adverse to the right and title so claimed; all of which appears by the record, a transcript of which is herewith exhibited.

Your petitionor subsequently applied to the judges of the supreme court of appeals of Virginia for a writ of error and supersedeas to said judgment, to carry up to that court the said judgment for review, but such application was refused by all the judges of said last-named court, so that said judgment of the corporation court of Alexandria is a final judgment of the highest court of the State of Virginia in which a decision of the suit could be had, as also appears by said record. Your pe'tioner, therefore, prays your honor to allow a writ of error to the said corporation court of Alexandria, Virginia, being the highest court of law or equity of the State of Virginia in which a descision in the suit could be had, to bring up said record to the Supreme Court
72 of the United States for review, and for the correction of the errors apparent therein, according to the form and effect of the statute in such case made & provided.

Respectfully,

S. FERGUSON BEACH,
Attorney for Richard Windsor.

JULY 3, 1874.

73 UNITED STATES OF AMERICA, *ss:*

[SEAL.] The President of the United States to the honorable the judge of the corporation court of the city of Alexandria, State of Virginia, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said corporation court, before you, or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between William N. McVeigh, plaintiff, and Richard Windsor, defendant, wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under, said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United
74 States, and the decision was in favor of such their validity; or wherein was drawn in question the construction of a clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision was against the title, right, privilege, or exemption, specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Richard Windsor, as by his complaint appears: we, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the second Monday of October

next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and custom of the United States should be done.

Witness the honorable Morrison R. Waite, Chief-Justice of the said Supreme Court, the 3d day of July, in the year of our Lord one thousand eight hundred and seventy-four.

Issued 3d July, 1874.

D. W. MIDDLETON,
Clerk of the Supreme Court of the United States.

Allowed by—

SAM. F. MILLER,
Asso. Jus. Sup. Court U. S.

(Indorsed:) Windsor v. McVeigh. Writ. 1874. July 8th. Recd. & filed.

75 The United States of America to William N. McVeigh, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the second Monday of October next, pursuant to a writ of error filed in the clerk's office of the corporation court of the city of Alexandria, Virginia, wherein Richard Windsor is plaintiff in error and you are defendant in error, to show cause, if any there be, why judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Sam. F. Miller, associate justice of the Supreme Court of the United States, this 3d day of July, in the year of our Lord one thousand eight hundred and seventy-four.

SAM. F. MILLER.

76 On this eighth day of July, in the year of our Lord one thousand eight hundred and seventy-four, personally appeared J. C. O'Neal, before me, the subscriber, John S. Fowler, a U. S. commissioner in and for the eastern district of Va., and makes oath that he delivered a true copy of the within citation to Wm. N. McVeigh, at the city of Alexandria, Va.

C. P. RAMSDELL,
U. S. Marshal,
By J. C. O'NEAL, *Deputy.*

Sworn to and subscribed the 22nd day of July, A. D. 1874.

[SEAL.] JOHN S. FOWLER,
U. S. Commissioner, Eas. Dist. Va.

77 Know all men by these presents that we, Richard Windsor and F. R. Windsor, both of the city of Alexandria, Virginia, are held and firmly bound unto Wm. N. McVeigh, of the same place, in the just and full sum of twenty-five hundred dollars, to be paid to the said McVeigh, his personal representatives and assigns; to the payment of which, well and truly to be made, we bind ourselves, our heirs, personal representatives, jointly and severally, firmly by these presents, sealed with our seal, & dated this 2nd day of July, 1874.

Whereas lately, in the corporation court of the city of Alexandria, Virginia, in a suit therein depending between the said McVeigh as plaintiff and said Richard Windsor as defendant, judgment was rendered on the 23rd day of April, 1874, against the said defendant, and the said defendant having obtained a writ of error and filed a copy thereof
78 in the clerk's office of the said court to reverse the judgment within aforesaid suit, and a citation directed to the said McVeigh, citing and admonishing to be and appear at a Supreme Court of the United States, to be holden at Washington on the second Monday of October next: Now, the condition of the above obligation is such that if the said Richard Windsor shall prosecute said writ of error to effect, and answer all damages and costs if he fail to make good the said plea, then the above obligation to be void; else to remain in full force and virtue.

RICHARD WINDSOR. [SEAL.]
F. R. WINDSOR. [SEAL.]

Approved July 3rd, 1874.

SAM. F. MILLER,
Asso. Jus. Sup. Court.

CORPORATION OF ALEXANDRIA, VA., *to wit:*

Before me, K. Kemper, a notary public in aforesaid corporation, personally appears Fredk. R. Windsor, whose name is signed as
79 such to the foregoing bond, and makes oath in one form of law that he is worth five thousand dollars after the payment of his debts.

Witness my hand, official seal, and the hand of said affiant hereto affixed this 2nd day of July, 1874.

K. KEMPER,
Notary Public.

F. R. WINDSOR.

A copy, test:

MORTON MARYE, *Clerk.*

(Indorsement on cover:) No. 583. Richard Windsor, plaintiff in error, vs. William N. McVeigh. Virginia. Corporation court, city of Alexandria. Filed 12th October, 1874.